

Docket No: 09-0315
Bench Date: 12/2/10
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Bonita A. Benn, Administrative Law Judge

DATE: November 10, 2010

SUBJECT: Illinois Commerce Commission
On Its Own Motion
-vs-
McLeodUSA Telecommunications Services, Inc.
d/b/a PAETEC Business Services, Inc.

Investigation into whether Intrastate Access Charges of
McLeodUSA Telecommunications Services, Inc. d/b/a
PAETEC Business Services are just and reasonable.

RECOMMENDATION: Dismiss the Investigation as being statutorily moot.

On July 8, 2009, the Illinois Commerce Commission ("Commission") initiated an investigation into whether the intrastate interexchange access rates of McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services, Inc. ("Respondent") were just and reasonable. On May 7, 2010, Commission Staff ("Staff") filed a Motion to Stay requesting the matter be stayed pending gubernatorial action upon Senate Bill 107 ("SB 107"). The proposed bill required telecommunications carriers providing intrastate access service to reduce the intrastate access rates to the level of their interstate access rates no later than June 30, 2013. The Administrative Law Judge granted the Motion on May 10, 2010.

On June 15, 2010, the Governor signed SB 107 as Public Act 96-927 ("PA 96-927"). PA 96-927 resolved the Commission's investigation by operation of law. Subsequently on July 8, 2010, Staff filed a Motion to Dismiss the proceedings as being statutorily moot. The Respondent filed a Motion for an order directing confidential documents be removed from e-Docket on July 23, 2010. The Administrative Law Judge issued a ruling denying this Motion on August 12, 2010. The Respondent subsequently filed a Motion for Reconsideration of Administrative Law Judge's August 12, 2010 ruling on September 1, 2010. On November 5, 2010, the Administrative Law Judge issued a ruling on the Motion for Reconsideration which afforded the Respondent protective treatment of its confidential and proprietary documents for a period of five years as set forth in the protective order dated September 24, 2009; and

denied Respondent's request to remove the confidential and proprietary documents filed with the Office of the Chief Clerk. In light of this ruling, the Respondent and Interveners had no objection to the Motion to Dismiss and no evidence has been admitted into the record in this proceeding.

Accordingly, I recommend that the Commission dismiss the investigation against McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Business Services as being statutorily moot.

BAB:jt